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SUBJECT: Argentina: Kirchners Win Big on Political "Reform" Bill
Before Losing Congressional Majority

REF: BUENOS AIRES 1183; BUENOS AIRES 1132

CLASSIFIED BY: Tom P. Kelly, DCM, DOS, EXEC; REASON: 1.4(B), (D)

¶1. (C) Summary: Argentine President Cristina Fernandez de Kirchner (CFK), taking advantage of her (soon-to-expire) majority in the lame-duck Congress, succeeded in getting her electoral reform bill passed without major modifications. Argentina's Senate approved 42 to 24 the bill requiring mandatory primaries, establishing new requirements for presidential candidates, limiting the use of private funds for campaigns, and restricting the publication of polls. Opposition senators criticized the Kirchner-allied ruling Victory Front's (FpV) rush to approve the bill, the lack of consensus such haste generated, and the FpV's refusal to consider the opposition's initiatives, such as introducing a single ballot. Although the law has some positive elements, the government's rush to pass the legislation and the initiative's subsequent lack of opposition support undermine the law's legitimacy. Suspected by the opposition of being a Kirchner attempt to rig the electoral rules in advance of the 2011 presidential elections, congressional approval of the political reform and the new media law (ref B) reinforced the impression that the Kirchners had regained the upper hand, but it may also have galvanized the opposition to close ranks and assert itself in the new Congress that is being seated this month (septel). End Summary.

¶2. (SBU) The Fernandez de Kirchner administration succeeded last week in getting a electoral bill passed without major modifications. After announcing the bill in late October (ref A) and securing Lower House approval with minor changes on November 18, the ruling Victory Front (FpV) expedited the bill through Congress in an effort to obtain approval before the new Congress convenes December 10 and the FpV loses its congressional majority. On December 2, Argentina's Senate approved the legislation (42 in favor to 24 against) without changes after a seven-hour debate. The FpV secured the bill's approval with the votes of its 37 senators and five allies.

¶3. (SBU) The law makes changes in four key areas: party primaries, the quantity of parties, campaign finance, and polling. It requires parties wishing to compete in national elections (for President or for representation in the national Congress) to hold simultaneous, obligatory, and open party primaries for candidates on the second Sunday in August during electoral years (August 14, 2011 will be the first time primaries will be held under the new legislation). For parties to participate in the general elections, they must have registered members (not just supporters) representing four per 1,000 of the total electoral roll in each district of the country. In addition, their candidates must secure at least 1.5% (around 300,000 votes) of the votes in the primaries. (Note: In an effort to secure center-left support during the Lower House vote, the government reduced the party requirement from 5 to 4 per 1000 and reduced by half from 3% to 1.5% the votes candidates

are required to secure in primaries.)

¶4. (SBU) In what many perceive as an effort to contain Deputy-elect Francisco de Narvaez, who defeated former President Nestor Kirchner (NK) in the June midterms as the head of an opposition ticket in Buenos Aires Province, the law expressly prohibits using personal funds for radio and television campaigns and gives authority to the Ministry of Interior to assign radio and television campaign spots. (Kirchner supporters attribute businessman de Narvaez's success to ability to draw from his sizeable fortune to fund his campaign.) Polls cannot be published for eight days before the general elections (a change the Lower House introduced from the bill's original proposal of 15 days).

Opposition Maintains its Doubts

¶5. (SBU) The majority of opposition senators criticized the FpV's rush to approve the bill, the lack of consensus such haste generated, and the FpV's unwillingness to incorporate the

opposition's proposals. An Embassy contact and Radical party deputy recently relayed that while she agreed with reducing the number of parties, noting that some "blocs" in Congress are represented by only one member, she expressed frustration at the government's refusal to consider such opposition initiatives as a single, unified ballot to replace the multiple ballots currently in use.

¶6. (SBU) Small parties expressed concerns that the legislation would eliminate their parties. Indeed, as the senators were voting, leaders of the small Worker's Party unveiled a banner proclaiming: "Jeers for Political Reform that Bans" in a reference to party and candidate requirements they perceive as potentially prohibiting their competition.

While CFK Sings its Praises

¶7. (SBU) CFK on December 3 praised the law during the opening of a new shopping center in the poor municipality and longstanding Peronist stronghold of La Matanza in Buenos Aires province. Saying she was proud of the law's passage, CFK noted that from now on candidates will not be elected by "finger-pointing" and cast the law as helping to improve citizen participation by opening the primaries to all of society and thereby lessening the influence of party members.

Comment

¶8. (C) The new law has positive, sensible elements that could ultimately make political parties more democratic and less the personal fiefdoms of caudillos. Nonetheless, the government's haste in railroading legislation through Congress cast a cloud over the legislation and raises questions about its true intentions.

Civil society has long urged the government to adopt a unified ballot to replace the multiple piles of single-party ballots, which voters must currently pick through inside voting booths. A recurring concern in Argentina is the theft of rival party ballots by some partisan voters when they leave the voting booths. Having one single ballot listing all the candidates would simplify the voting and eliminate an opportunity for partisan hanky-panky inside the voting booth. There really is no good argument for retaining the current multiple ballot system, and the government's refusal to take on board the opposition's proposal for a single, unified ballot became for many a litmus test of the government's motives in pushing this reform legislation.

¶9. (C) If, as many believe, the Kirchners were seeking to change electoral rules in their favor, their plan may backfire. If a candidate named Kirchner is defeated in an August 2011 Peronist primary, for example, it could hasten the first couple's journey to political ignominy. It wouldn't be the first time that their efforts to alter Argentine electoral rules didn't go as planned. In March, the government moved up the midterm congressional elections from October to June over the objections of the opposition. The June 28 elections were a setback for the Kirchners, who lost their majority in the new Congress that is being seated this month. In hindsight, it appears the Kirchners might have done better if they had left the elections in October as originally scheduled.

¶10. (C) The Kirchner success in pushing through this political reform as well as the new media law (ref B), did, however, bolster the perception that they had regained the initiative since their setback in the June 28 elections. The Kirchners' heavy-handed show of force may also have galvanized the opposition to close ranks and assert itself in the new Congress (septel).

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